

Race & Criminal Justice

Different Ways to Identify Issues and Respond

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How are we defining disparity?

- **Over-representation** of people in the justice system
- **Disparate Treatment** (or differential treatment) of similar individuals for similar behavior
- **Unnecessary involvement** in the justice system and/or greater movement through the justice system

How are we defining disparity?

- **Over-representation**: How do the number of a group in the criminal justice system relate to their numbers in the population?

How are we defining disparity?

- **Disparate Treatment (or differential treatment)**: How fairly and equitably are people from different groups treated when compared to one another?

How are we defining disparity?

- **Unnecessary involvement**: How many people of a particular community are in the criminal justice system? How effective is their involvement at achieving justice outcomes?

Measuring disparity tells us

- How people are impacted differently by the criminal justice system overall
- How those people are impacted differently at each decision point in the system
- What areas need further investigation to understand why disparity is happening

Measuring Disparity

One Part of a Bigger Picture

- **Level One: Disparity Analysis**
 - What exists? Where it exists? To what extent?
- **Level Two: Disparity Driver Analysis**
 - What is behind these disparities? What drives them?

Examples of Drivers of Disparity



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Responses to Low-Level Offenses

- Nationwide, Blacks more likely to be sentenced to jail when convicted of low-level offenses.
- Blacks arrested almost 3X more often for drug possession, yet Whites are more likely to sell drugs and equally likely to consume them.

Overuse of Pretrial Detention

- Blacks and Hispanics are detained pretrial 2X as often as Whites.
- Pretrial detention significantly increases the likelihood of sentences to incarceration and longer sentences.
- Time in jail increases likelihood of recidivism.

Probation and Parole Revocations

- Blacks and Hispanics remain on probation and parole longer.

Longer supervision term = Less successful reentry and higher recidivism

Longer supervision term = Higher likelihood to violate and return to in jail

Fines and Fees

- Blacks and Hispanics are more heavily burdened by fines and fees
- Indigent individuals often cannot pay these debts
- Non-payment result in compounding debt and even jail stays

Discussion

Where do you think there are disparities in the New Orleans criminal justice system?

What Can the JPM Subcommittee Do?



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What Can JPM Subcommittee Do?

- Identify areas in your system to target based on the available data
- Dedicate resources to studying those and identify concrete solutions

What Can JPM Subcommittee Do?

- Embed best practices for reducing disparity in the New Orleans criminal justice system
- Implement and constantly monitor
- **Burns Institute continues this process in March**